

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

HONEYWELL INTERNATIONAL INC.,)	
)	
Plaintiff,)	
)	Case No. 17-cv-723
v.)	
)	JURY TRIAL DEMANDED
RESEARCH PRODUCTS)	
CORPORATION,)	
)	
Defendant.)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Honeywell International Inc. (“Honeywell” or “Plaintiff”), by and through its attorneys, for its complaint against Defendant Research Products Corporation (“RPC,” “Aprilaire,” or “Defendant”), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action arising under the patent laws of the United States, 35 U.S.C. § 271, *et seq.*, to enjoin infringement and obtain damages resulting from Defendant’s unauthorized manufacture, use, sale, or offers to sell within the United States and/or importation into the United States of products that infringe one or more claims of United States Patent Nos. 7,957,839 (“the ’839 patent”); 7,645,158 (“the ’158 patent”); 9,664,409 (“the ’409 patent”); 9,732,980 (“the ’980 patent”); 9,310,091 (“the ’091 patent”); 7,913,180 (“the ’180 patent”); and D563,325 (“the ’325 patent”) (collectively, “the patents-in-suit”). Honeywell seeks injunctive relief to prevent Defendant from continuing to infringe the patents-in-suit. In addition, Honeywell seeks a recovery of monetary damages resulting from Defendant’s infringement of the patents-in-suit.

2. This action for patent infringement involves Defendant's manufacture, use, sale, or offers to sell within the United States and/or importation into the United States of infringing products related to zoned heating, ventilation, and air conditioning ("HVAC") systems, including Aprilaire Zoned Comfort Control™ zone panels (model numbers 6202, 6203, 6302, 6303, 6403, and 6404); Aprilaire Zoned Comfort Control™ round zone dampers (model numbers 6606, 6607, 6608, 6609, 6610, 6612, 6614, 6616, 6618, and 6620); Aprilaire Zoned Comfort Control™ rectangular zone dampers (model numbers 6721-6798, 6812-6819, 6823-6829, and 6834-6839); Aprilaire Zoned Comfort Control™ ventilation dampers (model numbers 6506, 6508, and 6510); and Aprilaire Zoned Comfort Control™ barometric bypass dampers (model numbers 6108, 6110, 6112, 6114, and 6116) (collectively, "the Accused Products"). This list reflects publicly available information and Honeywell's investigation to-date, but additional models that perform substantially the same also infringe for the same reasons.

PARTIES

3. Plaintiff Honeywell International Inc. is a corporation organized and existing under the laws of the State of Delaware and has its principal place of business at 115 Tabor Road, Morris Plains, NJ 07950.

4. On information and belief, Defendant Research Products Corporation is a corporation organized and existing under the laws of the State of Wisconsin and has its principal place of business at 1015 E. Washington Avenue, Madison, WI 53703.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Defendant is subject to personal jurisdiction in this district because, on information and belief, Defendant is incorporated in Wisconsin and has its principal place of business in this district. Further, on information and belief, Defendant regularly transacts business in this district by, among other things, making, using, selling, or offering to sell its products to customers located in this district. On information and belief, Defendant has committed acts of infringement of one or more claims of the patents-in-suit in this district.

7. Venue in this district is proper under 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because, on information and belief, Defendant resides in this district, and/or defendant has committed acts of infringement and has a regular and established place of business in this district.

FACTUAL BACKGROUND

8. Honeywell is a leading innovator in HVAC technology. For more than a century, innovation has differentiated Honeywell and its products in the HVAC market, and it still does today.

9. Honeywell and its innovations date back to two young entrepreneurs in the Midwest. In the 1880s, an entrepreneur in Minneapolis named Albert Butz developed and patented a device that he called the “damper flapper”—which turned out to be a predecessor to the modern thermostat. *See* U.S. Patent Nos. 341,092 and 347,866. Meanwhile, in Wabash, Indiana, a young engineer named Mark Honeywell was perfecting a heat generating device as part of his plumbing and heating business. In 1927, the two merged to form the Minneapolis-Honeywell Regulator Co., with Mark Honeywell as president.

10. Since then, Honeywell has continued to innovate. For instance, in 1953 Honeywell launched what became the iconic T-832 “Round” thermostat, which today is featured

in the Smithsonian's National Museum of American History. The Smithsonian's website notes that the "decades of innovation, industrial design, and engineering" leading to the modern thermostat date back to Albert Butz's "damper-flapper." *See* http://americanhistory.si.edu/collections/search/object/nmah_1392753.

11. More recently, in 2005, Honeywell advanced thermostat capabilities with its VisionPro programmable thermostat, which won acclaim including the Building Technologies Product of the Year award from Frost & Sullivan, a prestigious global research and consulting firm. *See* <http://www.achrnews.com/articles/101478-may-19-2005-honeywell-thermostat-receives-frost-sullivan-award>. The VisionPro, as well as other Honeywell thermostat innovations, established Honeywell as the "Overall Best Brand of Programmable Thermostats," by 2011. *See* https://forwardthinking.honeywell.com/system/releases/30/original/Frost_Sullivan_Thermostat_Award_Announcement_Final.pdf?1316012446.

12. Within the past two decades, Honeywell turned its attention to another aspect of HVAC systems: zoned HVAC systems. Zoning allows a single HVAC unit, such as a furnace or air conditioner, to individually regulate the temperature in different parts of a house. For example, the upstairs of a house often gets hotter than the basement of a house in the summer. A zoning system can route more of the cooled air from the air conditioner into the upstairs instead of the basement.

13. A zoned system frequently includes a zone panel, zone dampers, and a bypass damper. A zone panel is typically an electronic control that helps regulate the equipment connected to a zoned HVAC system, including such things as furnaces, air conditioners, heat pumps, and dampers. Zone dampers are incorporated into the HVAC ductwork in a zoned

system and regulate the flow of air to different zones of a home. A bypass damper is a type of damper that relieves excess pressure in a zoned HVAC system.

14. While homeowners greatly benefit from the efficiency and comfort provided by zoned HVAC systems, it can be complicated to install, test, configure, and maintain these systems. Sparked by its long history of innovation, Honeywell and its engineers and designers found ways to simplify this process with new designs for zone panels, zone dampers, and bypass dampers. Honeywell's engineers and designers accomplished this through a series of projects, and for their efforts they were awarded multiple United States Patents, including the patents-in-suit. Those patents protect Honeywell's investments in innovation.

15. Honeywell launched its newly-designed zone panels around 2007 and its newly-designed zone dampers and bypass dampers around 2014. Honeywell sells this suite of zoning products under the tradename TrueZONE®, and these products practice many claims of the patents-in-suit. Because of their significance to customers, Honeywell specifically markets many of these patented features and highlights that a key benefit of the TrueZONE® suite of products is ease of installation: "With the innovative TrueZONE Panel and new TrueZONE Dampers, giving your customers the many benefits of zoning has never been simpler." *See* Exhibit 15 at 1. Honeywell complied with 35 U.S.C. § 287 by placing notices, including notices of patents-in-suit, on products that practice the patents. These products, and the patented technology they embody, revolutionized zoning systems.

16. On information and belief, starting around 2015, Aprilaire launched the Accused Products. Following Honeywell's innovations, Aprilaire substantially redesigned its previously-offered zoning products by adding many of the patented features from Honeywell's TrueZONE® products. Indeed, recognizing the benefits and desirability of Honeywell's patented technology,

Aprilaire touts some of these very features in its marketing. For example, Defendant advertises “fast and easy installation, wiring, and set up” of zone panels. *See* Exhibit 16 at 4. The Accused Products achieve these and other benefits by infringing Honeywell’s ’839 patent, ’158 patent, ’409 patent, ’980 patent, ’091 patent, and ’180 patent. The Accused Products also infringe Honeywell’s patented four-zone TrueZone® HZ432 Panel design protected by the ’325 patent.

17. Aprilaire is unfairly competing with Honeywell by improperly using Honeywell’s own patented technology, innovations born of Honeywell’s investment and ingenuity and that are the exclusive property of Honeywell. Aprilaire’s acts of infringement have caused and will continue to cause monetary damage and irreparable harm to Honeywell.

U.S. PATENT NO. 7,957,839

18. The U.S. Patent and Trademark Office issued the ’839 patent, entitled “HVAC Zone Controller,” on June 7, 2011. A true and correct copy of the ’839 patent is attached as Exhibit 1.

19. Honeywell has owned the ’839 patent throughout the period of Defendant’s infringing acts and still owns the ’839 patent.

U.S. PATENT NO. 7,645,158

20. The U.S. Patent and Trademark Office issued the ’158 patent, entitled “Terminal Block and Test Pad for an HVAC Controller,” on January 12, 2010. A true and correct copy of the ’158 patent is attached as Exhibit 2.

21. Honeywell has owned the ’158 patent throughout the period of Defendant’s infringing acts and still owns the ’158 patent.

U.S. PATENT NO. 9,664,409

22. The U.S. Patent and Trademark Office issued the '409 patent, entitled "HVAC Damper System," on May 30, 2017. A true and correct copy of the '409 patent is attached as Exhibit 3.

23. Honeywell has owned the '409 patent throughout the period of Defendant's infringing acts and still owns the '409 patent.

U.S. PATENT NO. 9,732,980

24. The U.S. Patent and Trademark Office issued the '980 patent, entitled "HVAC Actuator with Range Adjustment," on August 15, 2017. A true and correct copy of the '980 patent is attached as Exhibit 4.

25. Honeywell has owned the '980 patent throughout the period of Defendant's infringing acts and still owns the '980 patent.

U.S. PATENT NO. 9,310,091

26. The U.S. Patent and Trademark Office issued the '091 patent, entitled "HVAC Controller with Checkout Utility," on April 12, 2016. A true and correct copy of the '091 patent is attached as Exhibit 5.

27. Honeywell has owned the '091 patent throughout the period of Defendant's infringing acts and still owns the '091 patent.

U.S. PATENT NO. 7,913,180

28. The U.S. Patent and Trademark Office issued the '180 patent, entitled "HVAC Zone Control Panel with Mode Navigation," on March 22, 2011. A true and correct copy of the '180 patent is attached as Exhibit 6.

29. Honeywell has owned the '180 patent throughout the period of Defendant's infringing acts and still owns the '180 patent.

U.S. PATENT NO. D563,325

30. The U.S. Patent and Trademark Office issued the '325 patent, entitled "HVAC Control Device," on March 4, 2008. A true and correct copy of the '325 patent is attached as Exhibit 7.

31. Honeywell has owned the '325 patent throughout the period of Defendant's infringing acts and still owns the '325 patent.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,957,839

32. Honeywell incorporates the foregoing Paragraphs 1-31 by reference as though fully set forth herein.

33. Defendant has been and is infringing at least claims 1-21 of the '839 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, using, selling, or offering to sell within the United States and/or importing into the United States products including Defendant's Aprilaire Zoned Comfort Control™ zone panels (model numbers 6202, 6203, 6302, 6303, 6403, and 6404).

34. Exhibit 8 attached hereto compares Defendant's Aprilaire Zoned Comfort Control™ zone panel model number 6404 to claim 1 of the '839 patent. On information and belief, Defendant produces additional zone panels, including Aprilaire Zoned Comfort Control™ model numbers 6202, 6203, 6302, 6303, and 6403, which are similar in all material respects, and therefore infringe for the same reasons set forth in Exhibit 8.

35. Honeywell has been damaged by Defendant's infringement of the '839 patent, and Honeywell is entitled to recover from Defendant the amount of damages sustained as a

result. Honeywell is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendant from its activities.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,645,158

36. Honeywell incorporates the foregoing Paragraphs 1-35 by reference as though fully set forth herein.

37. Defendant has been and is infringing at least claims 1-12 and 14-19 of the '158 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, using, selling, or offering to sell within the United States and/or importing into the United States products including Defendant's Aprilaire Zoned Comfort Control™ zone panels (model numbers 6202, 6203, 6302, 6303, 6403, and 6404).

38. Exhibit 9 attached hereto compares Defendant's Aprilaire Zoned Comfort Control™ zone panel model number 6404 to claim 1 of the '158 patent. On information and belief, Defendant produces additional zone panels, including Aprilaire Zoned Comfort Control™ model numbers 6202, 6203, 6302, 6303, and 6403, which are similar in all material respects, and therefore infringe for the same reasons set forth in Exhibit 9.

39. Honeywell has been damaged by Defendant's infringement of the '158 patent, and Honeywell is entitled to recover from Defendant the amount of damages sustained as a result. Honeywell is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendant from its activities.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 9,664,409

40. Honeywell incorporates the foregoing Paragraphs 1-39 by reference as though fully set forth herein.

41. Defendant has been and is infringing at least claims 1-2, 4-6, and 10-16 of the '409 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, using, selling, or offering to sell within the United States and/or importing into the United States products including Defendant's Aprilaire Zoned Comfort Control™ barometric bypass dampers (model numbers 6108, 6110, 6112, 6114, and 6116).

42. Exhibit 10 attached hereto compares Defendant's Aprilaire Zoned Comfort Control™ barometric bypass damper model number 6110 to claim 1 of the '409 patent. On information and belief, Defendant produces additional bypass dampers, including Aprilaire Zoned Comfort Control™ barometric bypass damper model numbers 6108, 6112, 6114, and 6116, which are similar in all material respects, and therefore infringe for the same reasons set forth in Exhibit 10.

43. Honeywell has been damaged by Defendant's infringement of the '409 patent, and Honeywell is entitled to recover from Defendant the amount of damages sustained as a result. Honeywell is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendant from its activities.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 9,732,980

44. Honeywell incorporates the foregoing Paragraphs 1-43 by reference as though fully set forth herein.

45. Defendant has been and is infringing at least claims 14 and 16-19 of the '980 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, using, selling, or offering to sell within the United States and/or importing into the United States products including Defendant's Aprilaire Zoned Comfort Control™ round zone dampers (model numbers 6606, 6607, 6608, 6609, 6610, 6612, 6614, 6616, 6618, and 6620); Aprilaire Zoned

Comfort Control™ rectangular zone dampers (model numbers 6721-6798, 6812-6819, 6823-6829, and 6834-6839); and Aprilaire Zoned Comfort Control™ ventilation dampers (model numbers 6506, 6508, and 6510).

46. Exhibit 11 attached hereto compares Aprilaire Zoned Comfort Control™ round zone damper model number 6606 to claim 14 of the '980 patent. On information and belief, Defendant produces additional zone dampers, including Aprilaire Zoned Comfort Control™ round, rectangular, and ventilation dampers, which are similar in all material respects, and therefore infringe for the same reasons set forth in Exhibit 11.

47. Honeywell has been damaged by Defendant's infringement of the '980 patent, and Honeywell is entitled to recover from Defendant the amount of damages sustained as a result. Honeywell is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendant from its activities.

COUNT V: INFRINGEMENT OF U.S. PATENT NO. 9,310,091

48. Honeywell incorporates the foregoing Paragraphs 1-47 by reference as though fully set forth herein.

49. Defendant has been and is infringing at least claims 1-12 of the '091 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, using, selling, or offering to sell within the United States and/or importing into the United States products including Defendant's Aprilaire Zoned Comfort Control™ zone panels (model numbers 6403 and 6404).

50. Exhibit 12 attached hereto compares Defendant's Aprilaire Zoned Comfort Control™ zone panel model number 6404 to claim 1 of the '091 patent. On information and belief, Defendant produces additional zone panels, including Aprilaire Zoned Comfort Control™

model number 6403, which are similar in all material respects, and therefore infringe for the same reasons set forth in Exhibit 12.

51. Honeywell has been damaged by Defendant's infringement of the '091 patent, and Honeywell is entitled to recover from Defendant the amount of damages sustained as a result. Honeywell is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendant from its activities.

COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 7,913,180

52. Honeywell incorporates the foregoing Paragraphs 1-51 by reference as though fully set forth herein.

53. Defendant has been and is infringing at least claims 1, 3, and 4 of the '180 patent under 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, by making, using, selling, or offering to sell within the United States and/or importing into the United States products including Defendant's Aprilaire Zoned Comfort Control™ zone panels (model numbers 6403 and 6404).

54. Exhibit 13 attached hereto compares Defendant's Aprilaire Zoned Comfort Control™ zone panel model number 6404 to claim 1 of the '180 patent. On information and belief, Defendant produces additional zone panels, including Aprilaire Zoned Comfort Control™ model number 6403, which are similar in all material respects, and therefore infringe for the same reasons set forth in Exhibit 13.

55. Honeywell has been damaged by Defendant's infringement of the '180 patent, and Honeywell is entitled to recover from Defendant the amount of damages sustained as a result. Honeywell is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendant from its activities.

COUNT VII: INFRINGEMENT OF U.S. PATENT NO. D563,325

56. Honeywell incorporates the foregoing Paragraphs 1-55 by reference as though fully set forth herein.

57. Defendant has been and is infringing the '325 patent under 35 U.S.C. § 271(a) by making, using, selling, or offering to sell within the United States and/or importing into the United States products including Defendant's Aprilaire Zoned Comfort Control™ zone panels (model numbers 6403 and 6404).

58. Defendant infringes the '325 patent because, *inter alia*, in the eye of an ordinary observer, and in view of the prior art, the claimed design of the '325 patent and the design of Defendant's products including Defendant's Aprilaire Zoned Comfort Control™ zone panels (model numbers 6403 and 6404) are substantially the same.

59. Exhibit 14 attached hereto compares Defendant's Aprilaire Zoned Comfort Control™ zone panel model number 6404 to Figures 1, 2, 3, 4 and 5 of the '325 patent. On information and belief, Defendant produces additional zone panels, including Aprilaire Zoned Comfort Control™ model number 6403, which are similar in all material respects, and infringe based on the same comparison shown in Exhibit 14.

60. Honeywell has been damaged by Defendant's infringement of the '325 patent, and Honeywell is entitled to recover from Defendant the amount of damages sustained as a result. Honeywell is suffering and will continue to suffer damages and irreparable harm unless the Court enjoins Defendant from its activities.

PRAYER FOR RELIEF

WHEREFORE, Honeywell prays for relief and judgment against Defendant as follows:

- A. That Defendant has infringed one or more claims of the '839 patent, the '158 patent, the '409 patent, the '980 patent, the '091 patent, the '180 patent, and the '325 patent under 35 U.S.C. § 271(a);
- B. An injunction against Defendant and its officers, directors, employees, agents, consultants, contractors, suppliers, distributors, all parent and subsidiary entities, all assignees and successors in interest, and all others acting in concert or privity with Defendant from further infringement of the '839 patent, the '158 patent, the '409 patent, the '980 patent, the '091 patent, the '180 patent, and the '325 patent;
- C. An award to Honeywell of damages under 35 U.S.C. §§ 284 and 289 for the infringement of the '839 patent, the '158 patent, the '409 patent, the '980 patent, the '091 patent, the '180 patent, and the '325 patent by Defendant, together with pre-judgment and post-judgment interest and costs;
- D. An order for Defendant to account to Honeywell for, and disgorge to Honeywell, all profits it has derived as a result of the unlawful acts complained of above;
- E. A finding that, with respect to Defendant, this case is exceptional and awarding to Honeywell its reasonable costs and attorney fees under 35 U.S.C. § 285;
- F. Judgment against Defendant on all counts of this Complaint; and
- G. Such other relief for Honeywell that the Court sees as just.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Honeywell demands trial by jury in this action of all issues so triable.

Respectfully submitted this 21st day of September, 2017.

HUSCH BLACKWELL LLP
*Attorneys for Plaintiff Honeywell
International Inc.*

s/ Thomas P. Heneghan

Thomas P. Heneghan
State Bar No. 1024057
33 East Main Street, Suite 300
Madison, WI 53701
(608) 234-6032
tom.heneghan@huschblackwell.com

Of Counsel:

Gregg F. LoCascio, P.C.
Sean M. McEldowney
Anders P. Fjellstedt
Abigail E. Lauer
KIRKLAND & ELLIS LLP
655 Fifteenth St., N.W.
Washington, DC 20005
(202) 879-5000
gregg.locascio@kirkland.com
sean.mceldowney@kirkland.com
anders.fjellstedt@kirkland.com
abigail.lauer@kirkland.com